

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOVEE & THILL LLC,

Plaintiff,

-against-

PEARSON EDUCATION, INC. and PRENTICE
HALL INC.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/16/08

08-CV-00119 (MGC)
ECF Case

MEMO ENDORSED

**NOTICE OF MOTION BY DEFENDANTS
PEARSON EDUCATION, INC. AND PRENTICE HALL INC. TO
DISMISS COMPLAINT ON THE BASIS OF FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE, that upon the accompanying declaration of David Leichtman, the respective exhibits thereto, and the accompanying memorandum of law, Pearson Education, Inc. and Prentice Hall Inc., by its attorneys Lovells LLP, shall move this Court, before the Honorable Miriam G. Cedabaum, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, Courtroom 14A, for an order dismissing the Complaint in its entirety on the grounds of failure to state a cause of action upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), and for such other relief as the Court may deem just and proper.

Motion to dismiss complaint granted. Plaintiff given leave to file an amended complaint by May 1, 2008. For oral opinion, see record of proceedings.

So ordered.

April 10, 2008

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United States District Judge